

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**Tyra Latisha Mitchell,
Plaintiff,**

V.

Kilolo Kijakazi,
Acting Commissioner of Social Security,
Defendant.

Civil Action No. 2:22-cv-1922

Magistrate Judge Litkovitz

**JOINT MOTION FOR AN AWARD OF ATTORNEY
FEES UNDER THE EQUAL ACCESS TO JUSTICE ACT**

Plaintiff and Defendant, by their respective counsel, stipulate to an award to Plaintiff of attorney fees in the amount of \$1,800.00 in full satisfaction and settlement of any and all claims Plaintiff may have under the Equal Access to Justice Act (EAJA) in the above case. The award of attorney fees satisfies all of Plaintiff's claims for fees, costs, and expenses under 28 U.S.C. § 2412 in this case. This motion is not intended to set precedent for, or a representation of, any specific hourly rate or a total number of hours. Any fees paid belong to Plaintiff, and not their attorney, and can be offset to satisfy pre-existing debt that Plaintiff owes the United States under *Astrue v. Ratliff*, 560 U.S. 586 (2010). Plaintiff and Defendant move that the Court award Plaintiff EAJA fees, costs, and expenses in the amount of \$1,800.00.

After the court enters this award, if counsel for the parties can verify that Plaintiff owes no pre-existing debt subject to offset, the Defendant agrees to direct that the award be made payable to Plaintiff's attorney pursuant to an EAJA assignment duly signed by Plaintiff and counsel.

Dated: September 5, 2023

Respectfully submitted:

Kenneth Patrick Karlock

KENNETH L. PARKER
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF OHIO

By: /s/ Kenneth Patrick Karlock¹
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Counsel for Plaintiff

By: /s/ Rachel Julis
Rachel Julis
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Office of the General Counsel
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Counsel for Defendant

¹ Mr. Karlock gave Ms. Julis consent to sign on his behalf on September 6, 2023.

CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2023, I electronically filed the foregoing Joint Motion for an Award of Attorney Fees with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Kenneth Patrick Karlock

s/ Rachel Julis

Rachel Julis

Special Assistant United States Attorney

Office of Program Litigation, Office 4

Office of the General Counsel

Social Security Administration

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Baltimore, MD 21235

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ORDER

This cause coming before the Court on the joint motion of the parties, due notice having been given, and the Court being fully advised,

IT IS THEREFORE ORDERED THAT:

1. The Parties' Joint Stipulation for an Award of Attorney's Fees under the Equal Access to Justice Act is accepted and the Commissioner shall pay Plaintiff's attorney fees in the amount of \$1,800.00.
2. Counsel for the parties shall verify whether or not Plaintiff owes a preexisting debt to the United States subject to offset, consistent with *Astrue v. Ratliff*, 130 S. Ct. 2521, 560 U.S. 586 (2010). If no such pre-existing debt exists, Defendant shall pay the EAJA award directly to Plaintiff's counsel pursuant to the EAJA assignment signed by Plaintiff and counsel; and
3. The case remains terminated on the docket of this Court.

IT IS SO ORDERED.

Date: 9/25/2023

Entered: *Heaven L. Litkovitz*